

**COMMONWEALTH OF MASSACHUSETTS
DIVISION OF ADMINISTRATIVE LAW APPEALS**

Middlesex, ss.

Paige Parker,
Petitioner,

Docket No.: CR-25-0721

v.

State Board of Retirement,
Respondent.

ORDER OF DISMISSAL

Petitioner, Paige Parker, appeals from the denial by Respondent, State Board of Retirement (SBR), of her application to purchase contract service with Massachusetts Department of Transportation for the period of 05/27/07 to 09/01/07 and 05/25/08 to 08/30/08, pursuant to G.L. c. 32, § 4(1)(s).

To purchase prior state contract service, one must satisfy G.L. c. 32, § 4(1)(s), which states that any “member in service of the state employees’ retirement system who, immediately preceding the establishment of membership in that system” may purchase up to four years of creditable service. “Immediately preceding” means within 180 calendar days. 941 CMR 2.09(3)(e). Here, records from SBR indicate that Petitioner first became a contributory retirement system member on or about 09/25/2011, but the contract service ended on or about 08/29/08, a time of more than 180 calendar days.

As for the other period (from 05/27/07 to 09/01/07), an “employee may purchase two consecutive periods of contract service that satisfy all other requirements of the statute and these regulations, provided that the period between the two periods of contract service does

not exceed 180 calendar days.” 941 CMR 2.09(3)(e). The contract service from 05/27/07 to 09/01/07 appears to be ineligible for purchase, as the period between 09/01/07 and the subsequent period beginning 05/25/08 exceeds 180 calendar days.

SBR indicated an additional basis for denying Petitioner’s application. G.L. c. 32, § 4(1)(s) requires that

the job description of the member in the position which the member holds upon entry into service or re-entry into active service is substantially similar to the job description of the position for which the member was compensated as a contract employee . . .

The determination of “substantially similar” is based upon whether an employee discharged the same “core duties” in his or her membership-eligible and pre-membership positions. *See O’Connor v. State Bd. of Ret.*, No. CR-23-0609, (Div. Admin. Law App. Nov. 15, 2024). SBR stated that Petitioner’s contract service position was Contracted Student Intern and the position held at entry into membership service was Civil Engineer. Because the positions do not appear to be substantially similar, SBR denied Petitioner’s application on this basis as well.

On February 9, 2026 I issued an Order to Show Cause for Petitioner to provide by March 11, 2026 sufficient evidence in writing of her eligibility to purchase creditable service, and a copy of her service purchase application. Petitioner provided no response.

In view of the foregoing, Petitioner has failed to prosecute her claim and has failed to state a claim upon which relief can be granted. Accordingly, this appeal is hereby **DISMISSED**.

Dated: March 20, 2026

/s/ Karen T. Guthrie

Karen T. Guthrie

Administrative Magistrate

DIVISION OF ADMINISTRATIVE LAW APPEALS

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